

U.S. PROBATION OFFICE

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

PETITION FOR WARRANT FOR OFFENDER UNDER SUPERVISION

Name of Offender: Bryan Scott Samples

Docket Number: 1:01-CR-124

Name of Sentencing Judicial Officer: The Honorable Curtis L. Collier
Chief United States District Judge

Date of Original Sentence: January 4, 2002

Original Offense: Armed Bank Robbery

Class: B Felony

Criminal History Category: III

Original Sentence: Sixty-four (64) months imprisonment to be followed by a five (5) year term of supervised release.

Modification - May 17, 2006: The defendant shall reside for a period of up to six months to commence immediately upon designation, in Midway Rehabilitation Center and shall observe the rules of that facility.

Type of Supervision: Supervised Release

Date Supervision Commenced: March 13, 2006

Date Supervision Expires: March 12, 2011

Assistant U.S. Attorney: Steve Neff

Defense Attorney: Rita LaLumia

Statutory Maximum: 3 years

Revocation Guideline Range: 8-14 months

PETITIONING THE COURT

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1

Special Condition: The defendant shall reside for a period of up to six months to commence immediately upon designation, in Midway Rehabilitation Center and shall observe the rules of that facility.

Mr. Samples was discharged from Midway Rehabilitation Center on June 23, 2006, for failure to return to the halfway house.

2

General Condition: While on supervised release, the defendant shall not commit another federal, state, or local crime.

On June 24, 2006, Mr. Samples was arrested by the Alcoa Police Department for Forgery and Fraud by False Pretenses after attempting to cash a stolen check in the amount of \$300. Mr. Samples admitted to Patrolman James Bowman that he had stolen the check from his former employer, filled out the check, and signed it in an attempt to cash the check. Prior to being searched, Mr. Samples stated that he had a crack pipe in his front left pocket. He was subsequently cited for Possession of Drug Paraphernalia.

3

General Condition #2: The defendant shall pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

Mr. Samples was instructed to make restitution payments in the amount of \$100 per month upon his release from custody. He has not made a restitution payment since April 5, 2006.

4

General Condition: The defendant shall refrain from any unlawful use of a controlled substance.

Mr. Samples tested positive for cocaine on April 20, 2006. He admitted to smoking crack cocaine on April 17, 2006.

5

Special Condition: The defendant shall participate in a program of testing and treatment for drug and/or alcohol abuse.

On May 2, 2006 and June 6, 2006, Mr. Samples did not attend substance abuse counseling as directed.

Assessment of Flight/Danger and Bond Recommendation: Based on Mr. Samples' history of substance abuse, failure to return to Midway, and new criminal charges, he is considered to be a danger to himself and a flight risk. There appears to be no condition or combination of conditions to ensure Mr. Samples' appearance at future Court proceedings. Therefore, it is recommended that he be detained.

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Petitioning the Court to order:

That a warrant be issued and the defendant be ordered to appear in Court for a hearing to determine whether the term of supervision should be revoked.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **June 27, 2006**.

/s/ Melissa L. Haduck
Melissa L. Haduck
U.S. Probation Officer
Knoxville Division

APPROVED:

/s/ James M. Kelly *June 27, 2006*
James M. Kelly, Supervising Date
U.S. Probation Officer

ORDER OF COURT:

A warrant is to be issued and the defendant is ordered to appear in Court for a hearing to determine whether the term of supervision should be revoked. This petition is to be placed under seal until the warrant has been executed by the U.S. Marshal's Service.

So ordered.

ENTER.

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE